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10/610,493	06/30/2003	Robert K. Hughes JR.	MS1-1444US	5381

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EXAMINER

ZHAO, DAQUAN

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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09/30/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No. 10/610,493	Applicant(s) HUGHES, ROBERT K.	
	Examiner DAQUAN ZHAO	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-24, 26, 33-35, 37, 38 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-24, 26, 33-35, 37, 38 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/8/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/29/2009 have been fully considered but they are not persuasive.
2. Applicants argues, claims 8, 10, 18, 19, 21-24, are not single mean claims, see paragraph 9-16 of the remark. The 112 1st rejections for claims 9 and 26 are withdrawn since amendment "...comprising a transmission interface configured to transmit multimedia presentation content and further configured to perform..." introduce additional mean (or element) to the claim.
3. Claims 8, 10, 18, 19, 21-24, are single mean claims because these claim only recite one mean (or one structure, In re Hyatt, single means can be applied to single structure or element), for example, claim 19 only recite "a personal video recorder" and a mere statement "configured to perform the method of claim 17." These claims do not meet the requirement of the first paragraph of 112 that the enabling disclosure of the specification be commensurate in scope with the claim, and the long-recognize problem with a single means claim is that it covers every conceivable means for achieving the stated result, while the specification discloses at most only those means known to the inventor. A mere statement of "A personal video recorder configured to perform the method of claim 7" would not enable one of ordinary skill in the art to produce "A personal video recorder configured to perform the method of claim 7" without undue experimentation.

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Applicant's arguments with respect to claims 1-13, 16-24, 26, 33-35, 37-38 and 43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-12 and 43 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For claim 1, there's no description in the specification for "multiple multimedia elements sharing a common single linear time-code value".

Claims 2-12 are also affected.

For claim 43, there's no description in the specification for "multimedia elements comprises those that are received by the receiver and those that are not received by the receiver".

5. Claims 8, 10, 18, 19, 21-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in

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the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 8, 10, 18, 19, 21-24 are single means claims. A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. **In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197** (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9, 26 are rejected under 35 U.S.C. 101 because claims are directed to non-patentable subject matter.

Claims 9 and 26 are directed to a "broadcast point", wherein paragraph 63 of the Patent Application Publication of the instant application describes the claimed "broadcast point" can be a "website". Therefore, the claimed "broadcast point" can be

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software per se, which is non-statutory subject matter. It is noted the claimed "a transmission interface" is also software per se.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 13, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Zetts (US 6,738,427 B2).

For claim 33, Zetts teaches a multimedia device comprising:

a processo (e.g. column 7, line 60- column 8, line 21, figure 2, MPEG Timecode Insertion Application);

a receiver configured to receive multimedia element (e.g. column 7, line 60- column 8, line 21, figure 2, MPG-2 Encoder 205 receives the video file from VTR);

a multimedia storage module configured to store the received multimedia elements into a physical computer-readable storage media element (e.g. column 7, line 60- column 8, line 21, Streaming Video Server 250); and

an extended time-code number module executable on the processor and configured to generate and append a unique extended time-code numbers to each

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received multimedia element without a time-code number (e.g. abstract, column 7, lines 1-9, the timecode packets with the unique signature inserted to the picture start header of each frame corresponds to the claimed “unique extended time-code numbers, figure 5 also shows the inserted timecode packet), a unique extended time-code of each of the multimedia elements comprising a linear time-code value (e.g. figure 5, absolute timecode 515), one or more prefix values (e.g. figure 5, signature 505), and one or more suffix values (e.g. figure 5, checksum 530), wherein the one or more prefix values, the one or more suffix values, or combination thereof differentiate the unique extended time-code number of each of the multimedia elements, thereby making the extended time-code number of each of each of the multiple multimedia elements unique relative to each other (e.g. abstract, column 7, lines 1-9, the timecode packets with the unique signature inserted to the picture start header of each frame, the unique signature, which considered to be the claimed prefix value, makes the frames unique relative to each other).

For claim 13, Zetts teaches a method comprising:

obtaining a specific title value and one or more specific suffix values, the specific title value and the one or more specific suffix values being associated with multimedia presentation content of particular multimedia elements (e.g. column 15, lines 19-37, MPEG start code corresponds to the title value and the timecode packet signature corresponds to the suffix value);

searching by one or more multimedia devices that facilitate access to multimedia presentation for the particular multimedia presentation elements amongst multiple

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multimedia presentation elements based on the obtained specific title value and the one or more specific suffix values, wherein each of the particular multimedia elements have an extended time-code number, each extended time-code number comprising a linear time-code value, one or more title values, and one or more suffix values (e.g. column 15, lines 19-37, MPEG start code corresponds to the title value and the timecode packet signature corresponds to the suffix value, abstract specify the time code has format of HH:MM:SS:FF, which is a format of linear time-code);

Obtaining a specific linear time-code value associated with the multimedia presentation content of a specific multimedia element of the particular multimedia elements (e.g. abstract, column 7, lines 1-9, the timecode packets with the unique signature inserted to the picture start header of each frame; column 15, lines 19-37, MPEG start code corresponds to the title value and the timecode packet signature corresponds to the suffix value, abstract specify the time code has format of HH:MM:SS:FF, which is a format of linear time-code); and

Searching for, based upon the obtained specific linear time-code value, the specific multimedia element of the particular multimedia elements (e.g. column 7, lines 35-50, the indexing of file with the timecode packet enables subsequent video file frame search and retrieval).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts (US 6,738,427) as applied to claims 13 and 33 above, and further in view of Official Notice.

See the teaching of claims 13 and 33 above.

For claim 1, Zetts fail to teach multiple multimedia elements sharing a common single linear time-code value. The examiner takes official notice for multiple multimedia elements sharing a common single linear time-code value since it is well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate multiple multimedia elements sharing a common single linear time-code value into the teaching of Zetts for efficient frame searching.

11. Claims 3, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts (US 6,738,427) and Official Notice, as applied to claim 1 above, and further in view of Kanda (US 6,324,335 B1).

For claim 3, Zetts fail to teach the prefix value comprises a title value. Kanda teaches the prefix value comprises a title value (e.g. column 18, line 66- column 19, line 22, and figure 8, Title, which is arranged before the in-point time-code data, corresponds to the prefix value, wherein the title value has 16 bytes); It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kanda into the teaching of Zetts to rapidly reproduce the video data (e.g. Kanda, column 26, lines 60-63).

For claim 11, Kanda teaches identifying elements without a linear time-code number, and adding a linear time-code to the identified elements without a linear time-code (e.g. column 28, lines 6-15, time code is not added video if the time code has been added. Therefore, the first time-code adding unit must have identified and added time code to the video data without time code).

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts (US 6,738,427) and Official Notice, as applied to claim 1 above, further in view of Sturgeon et al (US 6,429,879 B1).

For claim 4, Zetts fails to teach the suffix values comprise language value, angle value, and parental block value. Sturgeon et al teach the suffix values comprise language value, angle value, and parental block value (e.g. column 7, lines 1-27 and figure 5). It would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated the teaching of Sturgeon et al into the teaching of Zetts to increase effectiveness of parental management of content presentation (Sturgeon et al, column 4, lines 1-15).

13. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts (US 6,738,427) and Official Notice, as applied to claim 1 above, and further in view of the Prior Art section of the instant application.

See the teaching of Zetts above.

Regarding claims 2 and 12, Zetts fails to teach the multimedia elements comprise audio video elements and interspersed elements. The Prior Art section of the instant application teaches the multimedia elements comprise audio video elements and interspersed elements (e.g. figure 2 and page 6, lines 15-22). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of the Prior Art section of the instant application into the teaching of Zetts to effectively management information from different sources.

14. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts (US 6,738,427) and Official Notice, as applied to claim 1 above, and further in view of Yamauchi et al (US 6,336,002 B1).

For claim 5, Zetts fail to teach a time map table that are associates the multimedia elements to linear time-code numbers. Yamauchi et al teach a time map table that associates the multimedia elements to linear time-code numbers (e.g. figure 8, VTS TIME MAP TABLE, column 14, lines 52-65 and column 37, lines 27-35). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Yamauchi et al into the teaching of Zetts to include the linear time-code numbers with prefix and suffix in the time map table to allow the system to perform a chapter search or time search immediately and to immediately determine whether chapter search and time functions should be enacted or prohibited (Yamauch et al, column 4, line 64- column 5, line 3).

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For claim 7, Yamauchi et al teach the time map table is part of a file that provides pointers to data structures in a medium (e.g. figure 8, VTS TIME MAP TABLE is within the VTS MANAGEMENT TABLE, wherein the VTS management table contains Title search pointers).

15. Claims 6, 8,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts (US 6,738,427) and Official Notice, as applied to claim 1 above further in view of Saeki et al (US 6,078,727).

For claim 6, Zetts fails to specify the time map is used by a DVD player to point to particular sectors on a DVD disc containing content representing the multimedia elements. Saeki et al teach the time map is used by a DVD player to point to particular sectors on a DVD disc containing content representing the multimedia elements (e.g. figures 8-9, column 9, lines 26-56, the VOB position in the DVD corresponds to sector). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Saeki et al into the teaching of Zetts to reduce the amount of optical disc reproduction information for storage efficiency (Saeki et al, column 2, lines 30-35).

For claim 8, Saeki et al teach a DVD player that implements the method of claim 7, and wherein the medium is a DVD disc (e.g. figure 14).

For claim 10, Saeki et al teach the multimedia device is a personal video recorder (e.g. figure 14).

For claim 9, seaki et al teach a broadcast point comprising a transmission interface configure to transmit multimedia presentation content (e.g. figure 15, broadcast receiver 9).

16. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts (US 6,738,427), as applied to claim 1 above, further in view of Sturgeon et al (US 6,429,879 B1).

For claim 16, Zetts fails to teach the suffix values comprise language value, angle value, and parental block value. Sturgeon et al teach the suffix values comprise language value, angle value, and parental block value (e.g. column 7, lines 1-27 and figure 5). It would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated the teaching of Sturgeon et al into the teaching of Zetts to increase effectiveness of parental management of content presentation (Sturgeon et al, column 4, lines 1-15).

17. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts (US 6,738,427), as applied to claims 13 and 33 above, and further in view of kanda (US 6,324,335 B1).

For claim 17, Zetts fail to teach the searching is performed based on a time map table that associates multimedia elements with extended time-code number. Kanda teaches the searching is performed based on a time map table that associates multimedia elements with extended time-code number (e.g. column 26, lines 45-62,

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when the CPU 303 reproduces or plays back the video, the CPU 303 has to know when to look for the video data. column 26, lines 45-62 teaches the CPU 303 search for the video data according to the relation of the time code and the recording address, wherein the time code are stored in a table). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kanda into the teaching of Zetts to rapidly reproduce the video data (e.g. Kanda, column 26, lines 60-63).

18. Claims 18, 19, 20, 21 22, 23, 24, 26,34-35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts (US 6,738,427) and kanda (US 6,324,335 B1), as applied to claims 17, 13 and 33 above, and further in view of Saeki et al (US 6,078,727).

For claim 20, Zett and Kanda fail to teach the time map table is part of an information file that provides navigation and presentation information for titles in a medium. Saeki et al teach the time map table is part of an information file that provides navigation and presentation information for titles in a medium (e.g. figure 8, the time map table is in the AV File management table, which is in the AV data management file, which is used for navigation and presentation). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Saeki et al into the teaching of Zett and Kanda to reduce the amount of optical disc reproduction information for storage efficiency (Saeki et al, column 2, lines 30-35).

For claims 18 and 21, Saeki et al teach a DVD player that implements the method of claim 7, and wherein the medium is a DVD disc (e.g. figure 14).

For claims 19 and 22, Saeki et al teach a personal video recorder (e.g. figure 14).

For claims 23, 24, 34 and 35, Saeki et al teach the multimedia device is a personal video recorder (e.g. figure 14).

For claim 26, seaki et al teach a broadcast point comprising a transmission interface configure to transmit multimedia presentation content (e.g. figure 15, broadcast receiver 9).

For claim 37, Saeki et al teach a DVD player that implements the method of claim 7, and wherein the medium is a DVD disc (e.g. figure 14).

For claim 38, Saeki et al teach the multimedia device is a personal video recorder (e.g. figure 14).

19. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts (US 6,738,427) as applied to claims 13 and 33 above, and further in view of Official Notice.

See the teaching of claims 13 and 33 above.

For claim 43, Zetts fail to teach multiple multimedia elements comprises those that are received by the receiver and those that are not receiver by the receiver. The examiner takes official notice for multiple multimedia elements comprises those that are received by the receiver and those that are not receiver by the receiver. since it is well

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known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate multiple multimedia elements sharing a common single linear time-code value into the teaching of Zetts for efficient frame searching.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/

Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621